Remarks

Claims 1-5, 8-18, and 21-29 have been canceled. Claims 6, 19, 20, 33, and 34 have been amended. Claims 6-7, 19-20, and 30-34 are currently pending in the case.

I. **Rejections under 35 U.S.C. 102 and 35 U.S.C. 103**

Claims 6, 7, 19, and 20 have been rejected under 35 U.S.C. 102 based on Winthrop (U.S. Pat. No. 5,682,881). Claim 6 has been rejected under 35 U.S.C. 102 based on Wilkie et. al. (US 2003/0172936). Claims 19 and 30 also appear to be rejected on the same basis. Claims 7, 20, and 30 have been rejected under 35 U.S.C. 103(a) based on Wilkie in view of Winthrop. Claims 31 and 32 have been rejected based on Winthrop in view of Wood (US 2002/0028823). Claims 33-34 have been rejected based on Landis (U.S. Pat No. 5,687,715) in view of Cardoso (US 2004/00445553).

The applicant does not agree with the rejections. However, the applicant has amended various claims without prejudice to filing a continuation or other application for previous claims.

Claim 6 has been amended and now specifies:

6. An apparatus comprising
a nose piece comprising
a body portion;
a first hollow tube protruding out from the body portion; and
a second hollow tube protruding out from the body portion;
a first device for attaching the first and second hollow tubes to an individual's head;
wherein a first end of the first hollow tube can be inserted into a first nostril of an individual;
wherein a first end of the second hollow tube can be inserted into a second nostril of the individual;
wherein air can flow through the first hollow tube into the first nostril and through the second hollow tube into the second nostril;
wherein the nose piece is further comprised of a flap portion;
wherein the nose piece is configured so that the nose piece can be attached to

the individual's head so that the flap portion does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time the first end of the first hollow tube is inserted into the first nostril and the first end of the second hollow tube is inserted into the second nostril; and

wherein the apparatus can be attached so that the apparatus does not extend substantially beyond a region;

wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual.

In one embodiment of the present application, a nose piece 10 is provided comprised of a flap portion 36. (Present application, Fig. 1A, pg. 9, paragraph 2). The nose piece 10 is configured so that the nose piece 10 can be attached to an individual's head so that the flap portion 36 does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time a first end of a first hollow tube 16 is inserted into a first nostril of the individual and a first end of the second hollow tube 26 is inserted into the second nostril of the individual. (Present application, Fig. 5, pg. 9, paragraphs 2-3). In addition, the apparatus, including nose piece 10 can be attached so that the apparatus does not extend substantially beyond a region, wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual. (Fig. 6, present application).

Winthrop discloses a central foam strip 32 and supply tubes 20, all of which extend across the individual's face, beyond a region between the individual's eyes. (Winthrop, Fig. 4). The configuration of Winthrop is distracting, and may restrain the individual from normal movement. Wilkie discloses various devices such as strap 12, pad 14, and harness 110, which extend across the individual's face and beyond a region between the individual's eyes. (Wilkie, Fig. 6). Wood, Cardoso, and Landis disclose various tubes or straps which run across the individual's face. (Wood, Fig. 1; Cardoso, Fig. 2; Landis, Fig. 1). In addition, Wilkie, Wood, Cardoso, and Landis do not attach a nose piece to an area above the upper lip and below the nose, but rather have a

different attachment mechanism.

Claim 6 is submitted to be allowable over the prior art cited for the above reasons. Claims 7, 30, 31, and 32 are dependent on claim 6 and are submitted to be allowable for at least the same reasons.

Claim 19 has been amended and now specifies:

> 19. A method comprising the steps of
> attaching first and second hollow tubes to an individual's head;
> inserting a first end of the first hollow tube into a first nostril of an individual;
> and inserting a first end of the second hollow tube into a second nostril of the individual;
> and wherein the first and second hollow tubes protrude out from a body portion of a nose piece and wherein the first and second hollow tubes are attached to the individual's head through the nose piece, which is attached at or near the upper lip of the individual; and
> wherein the nose piece includes a flap portion;
> wherein the nose piece is configured so that the nose piece can be attached to the individual's head so that the flap portion does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time the first end of the first hollow tube is inserted into the first nostril and the first end of the second hollow tube is inserted into the second nostril; and
> wherein the nose piece is attached so that the nose piece does not extend substantially beyond a region; and
> wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual.

In one embodiment of the present application, a nose piece 10 is provided comprised of a flap portion 36. (Present application, Fig. 1A, pg. 9, paragraph 2). The nose piece 10 is configured so that the nose piece 10 can be attached to an individual's head so that the flap portion 36 does not touch a nose of the individual but touches skin between the nose and an upper lip of the individual, while at the same time a first end of a first hollow tube 16 is inserted into a first nostril of the individual and a first end of the second hollow tube 26 is inserted into the second nostril of the individual. (Present application, Fig. 5, pg. 9, paragraphs 2-3). In addition, the nose piece 10 is attached so that the nose piece does not extend substantially beyond a

region, wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual. (Fig. 6, present application).

Winthrop discloses a central foam strip 32 and supply tubes 20, all of which extend across the individual's face, beyond the region between the individual's eyes. (Winthrop, Fig. 4). Wilkie discloses various devices such as strap 12, pad 14, and harness 110, which extend across the individual's face and beyond the region between the individual's eyes. (Wilkie, Fig. 6). Wood, Cardoso, and Landis disclose various tubes or straps which run across the individual's face. (Wood, Fig. 1; Cardoso, Fig. 2; Landis, Fig. 1). In addition, Wilkie, Wood, Cardoso, and Landis do not attach a nose piece to an area above the upper lip and below the nose, but rather have a different attachment mechanism.

Claim 19 is submitted to be allowable over the prior art cited for the above reasons. Claim 20 is dependent on claim 19 and is submitted to be allowable for at least the same reasons.

Claim 33 has been amended and now specifies:

33. An apparatus for use in supplying air to an individual comprising
a first device;
a second device;
a means for attaching the first device to an individual's forehead;
a means for attaching the second device to an area at or near the individual's upper lip;
first and second hollow tubes connected to the second device, wherein the first and second hollow tubes have first and second ends, respectively, which can be inserted into first and second nostrils, respectively, of an individual;
wherein the first device is connected to the second device so that air can flow from the first device to the second device and to the first and second hollow tubes;
wherein the means for attaching the first device does not circle a head of the individual in order to attach the first device;
wherein the means for attaching the second device does not circle the head of the individual in order to attach the second device;
wherein the apparatus can be attached so that the apparatus does not extend substantially beyond a region;
wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual; and
wherein the first device can be attached substantially parallel to the face of the

individual, within the region, and to the forehead of the individual, while at the same time a first section of the second device is attached substantially parallel to the face, to an area at or near the individual's upper lip, and within the region, while at the same time, a second section of the second device is substantially perpendicular to the face and within the region, and a third section of the second device is substantially parallel to the forehead and within the region.

In one embodiment of the present application, an apparatus is provided comprised of a first device such as including device 160 and/or tubes 110, 120, 130, and 140, and a second device such as including nose piece 10. (Present application, Figs. 4B and 6). Means for attaching device 160 to an individual's forehead may include tape or adhesive strips 210, 212, 214, and 216. (Present application, Fig. 6). Means for attaching the nose piece 10, may include adhesive strip 218. (Present application, Fig. 6). The apparatus can be attached, as shown in Fig. 6, so that the apparatus does not extend substantially beyond a region, wherein the region lies vertically between the top of the individual's forehead and the individual's upper lip and the region lies horizontally between a left eye and a right eye of the individual. In addition, the first device, such as 160, can be attached substantially parallel to the face of the individual, within the region, and to the forehead of the individual, while at the same time a first section, 36 of the second device, nose piece 10, is attached substantially parallel to the face, to an area at or near the individual's upper lip, and within the region, while at the same time, a second section, 34 (Fig. 1A) of the second device, nose piece 10 is substantially perpendicular to the face and within the region, and a third section 32 of the second device, nose piece 10 is substantially parallel to the forehead and within the region. (Present application, Fig. 1A, Fig. 5).

Winthrop discloses a central foam strip 32 and supply tubes 20, all of which extend across the individual's face, beyond the region between the individual's eyes. (Winthrop, Fig. 4). Wilkie discloses various devices such as strap 12, pad 14, and harness 110, which extend across the individual's face and beyond the region between the individual's eyes. (Wilkie, Fig. 6). Wood,

Cardoso, and Landis disclose various tubes or straps which run across the individual's face. (Wood, Fig. 1; Cardoso, Fig. 2; Landis, Fig. 1). In addition, Wilkie, Wood, Cardoso, and Landis do not attach a nose piece to an area above the upper lip and below the nose, but rather have a different attachment mechanism. The prior art also does not disclose further limitations with regard to the configuration of the first device (such as device 160) and the second device (such as nose piece 10).

Claim 33 is submitted to be allowable over the prior art cited for the above reasons. Claims 34 is dependent on claim 33 and is submitted to be allowable for at least the same reasons. Claim 34 also specifies that the first, second, and third sections of the second device (such as nose piece 10) are flexible. Such limitations at least in combination with other limitations are not shown by the prior art, and claim 34 is submitted to be allowable for these reasons also.

II. Conclusion

Claims 6, 7, 19, 20, and 30-34 are respectfully submitted to be in a condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested.

Respectfully submitted,

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